

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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Nathaniel Livingston,  
Plaintiff

vs

Case No. C-1-02-102  
(Hogan, M. J.)

Charles Luken, et. al.,  
Defendants

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**ORDER**

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This matter is before the court on defendants' motion for protective order prohibiting the discovery deposition of City of Cincinnati Vice-Mayor Alicia Reece (Doc. 42), defendants' motion for protective order prohibiting the discovery deposition of City of Cincinnati Mayor Charles Luken (Doc. 43), and plaintiff's memorandum in opposition to defendants' motions for protective order. (Doc. 49). The parties have consented to the entry of final judgment in this matter by the undersigned United States Magistrate Judge. (Doc. 38).

On December 18, 2002, defendants filed a third motion seeking to preclude the discovery depositions of defendants Reece and Luken. (Doc. 46). By order dated December 26, 2002, this Court granted the motion and ordered that no depositions of either the Mayor or Vice-Mayor of Cincinnati shall occur absent a showing of necessity approved by this Court. (Doc. 52). Because this Court has already issued an order precluding plaintiff from deposing defendants Reece and Luken, and because, by separate order issued this same date, the Court has issued an order dismissing defendants Reece and Luken pursuant to Fed. R. Civ. 41(a)(2), the remaining motions for protective order (docs. 42, 43) are hereby DENIED AS MOOT.

S/ Timothy S. Hogan

Timothy S. Hogan

United States Magistrate Judge